

Late Backup

#96

Dear Mayor, Member of the Council and City Manager:

Subject: The Future of Travis House - Guadalupe and 18th Streets (405 - 415 W. 18th)
Historic Zoning Case C14H-2009-0016
Original part of building

The hearing on the demolition of the above referenced properties will be held on Thursday, November 19th. Unfortunately, I leave for Chicago in the morning and don't return until the 20th. Please accept this correspondence as my testimony regarding the Travis House/YWCA, if I were in town.

Structures have architectural significance *and* cultural significance. The above referenced properties have architectural significance and both have an abundance of cultural significance. My request is that everything possible be done to repurpose the structures to benefit the developer *and* maintain the historic integrity of both properties, including the use of stimulus funds to assist with the project, if necessary.

City staff will provide information about the cultural relevance of the structures. The Travis Building had an interesting history and the YWCA was one of the first entities to voluntarily allow young Black females take classes and grow into competent, poised leaders of the future.

Through innovation the building(s) could become an exquisite example of the old sheltering something brand new.

BACKGROUND:

At a prior hearing it came to light that the Austin Fire Department used the Travis Building for training exercises. It sounded as though the Fire Department set fires and put them out. Or perhaps they ran up and down the steps with heavy equipment, the exact nature of the 'exercises' was not made clear. The owner's agent stated publicly that the structure has been severely damaged by the Austin Fire Department exercises and offered that as a reason for the city to support the demolition of the structures.

Is there a policy regarding the procedure the Fire Department must follow to use private property for training? Did the owners receive remuneration from the city to allow the Fire Department to use the building for training prior to a demolition permit being pulled?

The owners also stated that people who are homeless and those who use illegal substances use the building for shelter and/or a place to engage in the abuse of illegal substances. During the winter month's people set fires to keep warm. Because of these issues, neighbors, Downtown Austin and the County Attorney want the building condemned and demolished. It is my humble opinion that the owners did not secure the building in a manner that would keep people out, in effect causing the deterioration of the structure through benign neglect.

I've Reached

My vision of what can be done with the property comes from an experience a couple of months ago in Fort Worth. Rode the train to Ft. Worth. Once I arrived in Ft. Worth, walked about four or five blocks to the Courtyard by Marriott, located in the heart of downtown. What a pleasant surprise to find that the Courtyard was sheltered in the Blackstone Hotel. The Embassy Suites and the Hilton are also located in existing structures that have been re-purposed. As I walked downtown it was apparent that the city planners have been very thoughtful about ways to incorporate the new and the old. Maintain the charm, character and ambience of the old downtown with 'new urbanism'. They make it work. Appropriate 'density' is part of the downtown plan...yet doesn't drive the plan.

It is my opinion that Austin has more in common with Ft. Worth, population, climate, 'Molly the Trolley' (like the 'Dillo), intentional about art and night life than Portland or Seattle. Therefore, I recommend the following opportunity to staff:

The next UT City Forum is **November 20 and** will feature Fernando Costa, a nationally acclaimed city planner with a career of leadership spanning 32 years, including ten years as planning director for Fort Worth and eleven years as planning director for Atlanta. He has served as Assistant City Manager for the City of Fort Worth since April of 2008.

Costa will be discussing Fort Worth's experiences with comprehensive planning. The formal invitation is attached. Because seating is limited and lunch is provided on a first-come, first-served basis, the Community & Regional Planning Program is inviting a small number of people closely involved in the Comprehensive Plan process to attend. (A video of the City Forum will be available on the City Forum website.)

If you can attend, please RSVP to Carol Haywood (974-7685) or at the website below, by the end of the day, Monday, November 16:

http://www.ci.austin.tx.us/city_survey/survey.cfm?id=DE7E8F12-A273-73C5-8AE2D3654238D56E

Thank you,
Greg Claxton
Associate Planner

Thank you so much for your attention to this matter. Probably would not have beaten the buzzer on this one. : -)

Shalom,
Ms. Ora Houston, 474-7571
2207 East 22nd Street

#96

RESTRICTIVE COVENANT

OWNER: Travis Hotel Group, LLC, a Texas limited liability company

OWNER'S ADDRESS: 7557 Rambler Road, Suite 1100, Dallas, Texas 75231

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin (hereinafter the "City") to the Owner, the receipt and sufficiency of which are acknowledged.

PROPERTY: Part of Outlot 33, Division E, the Original City of Austin, Travis County, Texas, being the same property described by the Special Warranty Deed recorded at Document Number 2003134716 of the Official Public Records of Travis County, Texas, and being more particularly described by metes and bounds in Exhibit "A" which is attached hereto and made a part hereof; known locally as 405 W. 18th Street, Austin, Texas 78701.

WHEREAS, the Owner of the Property and the City have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land and shall be binding on the Owner of the Property, its successors and assigns.

1. Within 120 days after completion of the removal of the existing structure from the Property, the Owner will submit the site plan, license agreement and other applications necessary to obtain approval from the City of the streetscape plan attached hereto and made a part hereof as Exhibit "B" (the "Streetscape Plan"). The Streetscape Plan is intended to provide amenities along Guadalupe Street which are consistent with the City's "Great Streets" program and to provide a commemorative marker memorializing the prior use of the Property by the Austin Young Women's Christian Association. The Owner will solicit the advice of the City's historic preservation staff in developing the design and content of the commemorative marker. Provided, it is understood that the Streetscape Plan is subject to City approval of the requisite site plan, license agreement and other necessary applications and therefore may be subject to revision based on applicable ordinance requirements. After all necessary City approvals are obtained, the Owner will cause construction of the approved improvements to be commenced within 120 days and thereafter diligently pursued to completion and properly maintained. Nothing herein shall be construed as preventing the Owner from erecting temporary or permanent fencing around the remainder of the Property, redeveloping the remainder of the Property, or conducting interim uses on the remainder of the Property pending its redevelopment, subject to compliance with applicable laws.
2. Prior to the removal of the existing structure from the Property, the Owner will cause an historic documentation of the existing structure to be prepared, consisting of (a) field

measurement and development of CAD drawings of the site and floor plans, (b) selective exterior and interior black and white photography in 8-1/2" x 11" format, and (c) submission of the documentation to the Austin History Center.

3. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City to prosecute proceedings, at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
5. If at any time the City fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
6. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City, and (b) the owner(s) of the Property at the time of such modification, amendment or termination.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this _____ day of _____, 20_____.

Travis Hotel Group LLC,
a Texas limited liability company

By: _____

Name: _____

Title: _____

STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 20____,
by _____, the _____ of
Travis Hotel Group, LLC, a Texas limited liability company, on behalf of said limited liability
company.

Notary Public - State of Texas

Exhibit A
Page 1 of 2

TRACT I:

APPROXIMATELY 8,513.8 square feet of land out of and a part of Outlot JJ, Division "E" in the City of Austin, Travis County, Texas, according to the map or plan of said City on file with the General Land Office of the State of Texas and being the same property described by metes and bounds as Tract I in Warranty Deed recorded in Volume 12217, Page 1397, Real Property Record of Travis County, Texas, and more particularly described as follows:

FIELD NOTE DESCRIPTION OF 8,513.8 SQUARE FEET OF LAND BEING ALL OF THAT CERTAIN (86) FEET BY (99) FEET TRACT OF LAND AS CONVEYED TO THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF AUSTIN, TEXAS, BY DEED RECORDED IN VOLUME 1633 PAGE 326 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a chiseled "X" mark made in the concrete base of a mailbox at the point of intersection of the South right-of-way of West 18th Street and the West right-of-way of Guadalupe Street for the Northeast corner of Outlot JJ, Division "E", of the City of Austin, Travis County, Texas, and being the Northeast corner of that certain (86) feet by (99) feet tract of land as conveyed to the Young Women's Christian Association of Austin, Texas, (YWCA) by deed recorded in Volume 1633 Page 326 of the Deed Records of Travis County, Texas, same being the Northeast corner and **PLACE OF BEGINNING** of the herein described tract:

THENCE with the West right-of-way of Guadalupe Street and the East line of said Outlot JJ, S 18 deg. 57' 00" W 86.00 ft. to a chiseled "X" mark found in brick for the Southeast corner of said YWCA tract, and being the Southeast corner of this tract:

THENCE leaving the West right-of-way of Guadalupe Street and over and across a portion of said Outlot JJ with the South line of said YWCA tract, N 70 deg. 41' 55" W 99.00 ft. to a point on the face of the South wall line of a three-story brick building for the Southwest corner of this tract, and being the Southeast corner of that certain (39) feet by (86) feet tract of land as conveyed to the Young Women's Christian Association of Austin, Texas, by deed recorded in Volume 1633 Page 336 of the Deed Records of Travis County, Texas, same being the Southwest corner of this tract:

THENCE with the common line of said YWCA tracts, N 19 deg. 57' 00" E 86.00 ft. to a point in the South right-of-way of West 18th Street and the North line of said Outlot JJ for the Northwest corner of this tract, and from which a chiseled "X" mark found on a concrete step for the Northwest corner of said YWCA Volume 1633 Page 336 tract, bears N 70 deg. 41' 55" W 39.00 ft.:

THENCE with the South right-of-way of West 18th Street and the North line of said Outlot JJ, S 70 deg. 41' 55" E 99.00 ft. to the **PLACE OF BEGINNING**, containing 8,513.8 square feet of land.



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

Katherine P. Loayza
(512) 236-2259 (Direct Dial)
(512) 236-2002 (Fax)
kloayza@jw.com

#96

November 16, 2009

Via Hand Delivery

Ms. Susan Villareal
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

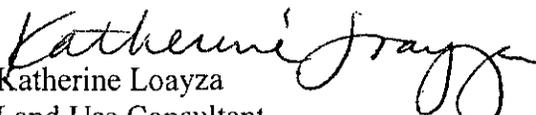
Re: Travis House; C14H-2009-0016

Dear Susan:

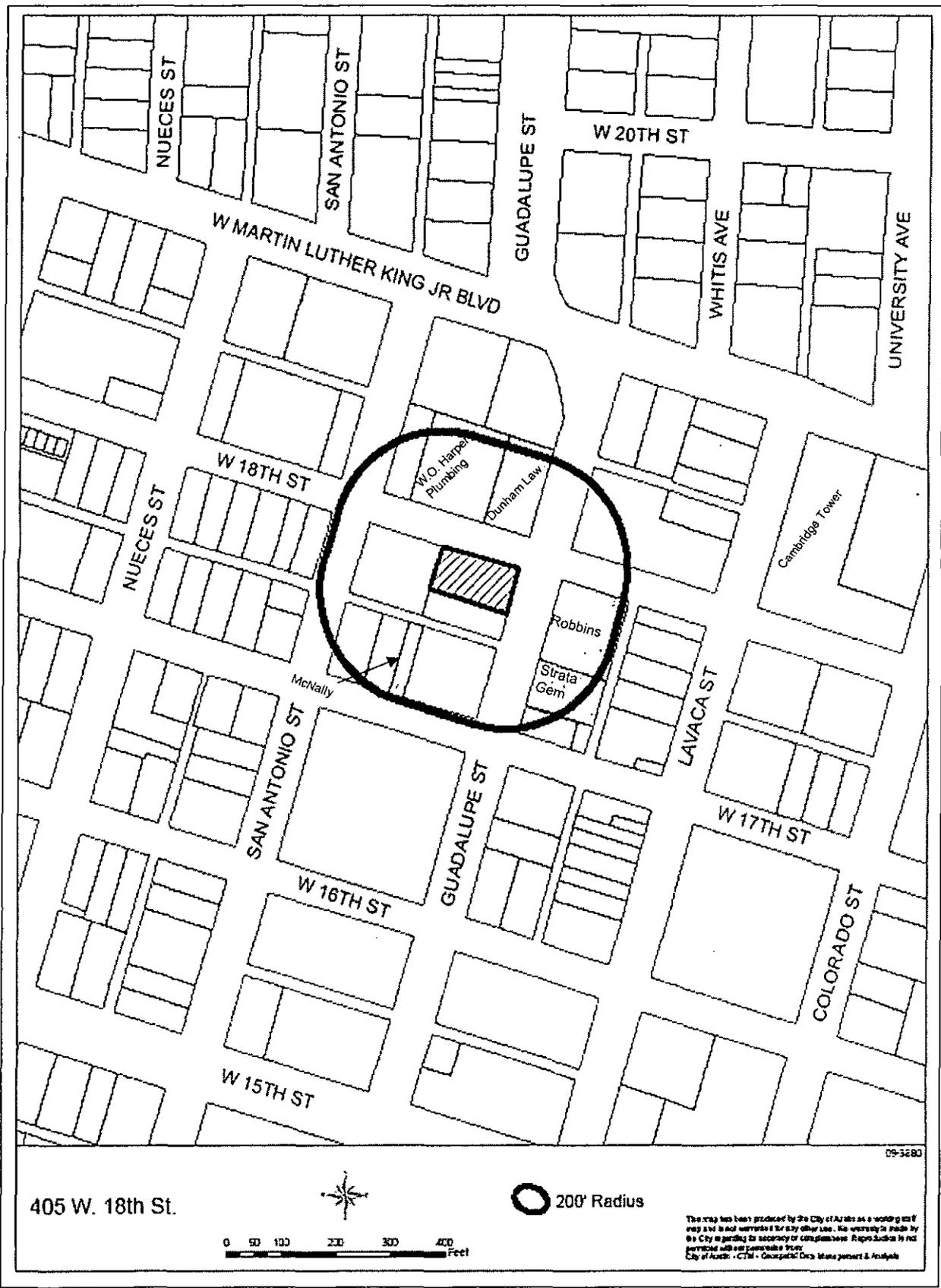
Attached are two (2) protest petitions against the proposed historic zoning of the "Travis House" property at 405 West 18th Street. One petition reflects opposition to historic designation from neighboring property owners within 200 feet of the Travis House site, not including parcels owned by an affiliated company of Travis Hotel Group, LLC. The second petition includes opposition to historic designation by Headington Armory Partners, L.P., which is affiliated with Travis Hotel Group, LLC.

We would like to know the percentages for each petition. Please do not hesitate to give me a call if you have any questions.

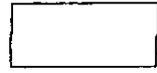
Sincerely,


Katherine Loayza
Land Use Consultant

KPL:tm
Attachments



Neighbor opposition to historic zoning



The map has been produced by the City of Austin as a working staff map and is not intended for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without permission from the City of Austin. - CTM - Geographic Data Management & Analysis

PROTEST PETITION

TO: Austin City Council

RE: "Travis House" Property at 405 West 18th Street (southwest corner of 18th and Guadalupe Streets); **Zoning Case No. C14h-2009-0016**

The undersigned is the owner of the property located at 410 West 18th Street in Austin (Tax Parcel ID 00000065160000). Our property is located within 200 feet of the "Travis House" property. We are opposed to the rezoning of the Travis House property to designate it as historic.

Signed this 9th day of October, 2009.

W.O. HARPER PLUMBING COMPANY, L.L.C.,
a Texas limited liability company

By: Gary Smalley
Gary Smalley, Manager

PROTEST PETITION

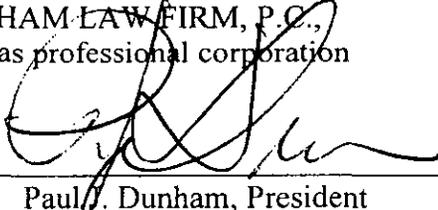
TO: Austin City Council

RE: "Travis House" Property at 405 West 18th Street (southwest corner of 18th and Guadalupe Streets); **Zoning Case No. C14h-2009-0016**

The undersigned is the owner of the property located at 1800 Guadalupe Street in Austin (Tax Parcel ID 00000520580000). Our property is located within 200 feet of the "Travis House" property. We are opposed to the rezoning of the Travis House property to designate it as historic.

Signed this 12 day of October, 2009.

DUNHAM LAW FIRM, P.C.,
a Texas professional corporation

By: 
Paul J. Dunham, President

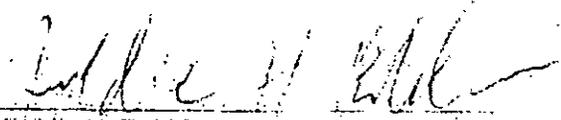
PROTEST PETITION

TO: Austin City Council

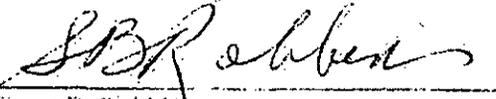
RE: "Travis House" Property at 405 West 18th Street (southwest corner of 18th and Guadalupe Streets); **Zoning Case No. C14h-2009-0016**

The undersigned are the owners of the property located at 1715 Guadalupe Street in Austin (Tax Parcel ID 02100223040000). Our property is located within 200 feet of the "Travis House" property. We are opposed to the rezoning of the Travis House property to designate it as historic.

Signed this 26th day of Oct, 2009.



Freddie H. Robbins



Stuart B. Robbins

PROTEST PETITION

TO: Austin City Council

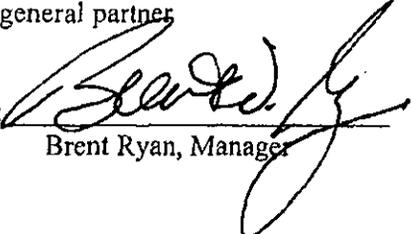
RE: "Travis House" Property at 405 West 18th Street (southwest corner of 18th and Guadalupe Streets); Zoning Case No. C14h-2009-0016

The undersigned is the owner of the property located at 1705 Guadalupe Street in Austin (Tax Parcel ID 02100223030000). Our property is located within 200 feet of the "Travis House" property. We are opposed to the rezoning of the Travis House property to designate it as historic.

Signed this 13th day of October, 2009.

STRATAGEM DEVELOPMENT, LTD.,
a Texas limited partnership

By: Soward-Ryan Ventures, LLC,
a Texas limited liability company,
its general partner

By: 
Brent Ryan, Manager

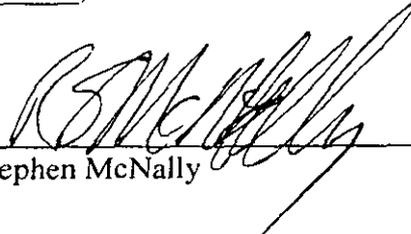
PROTEST PETITION

TO: Austin City Council

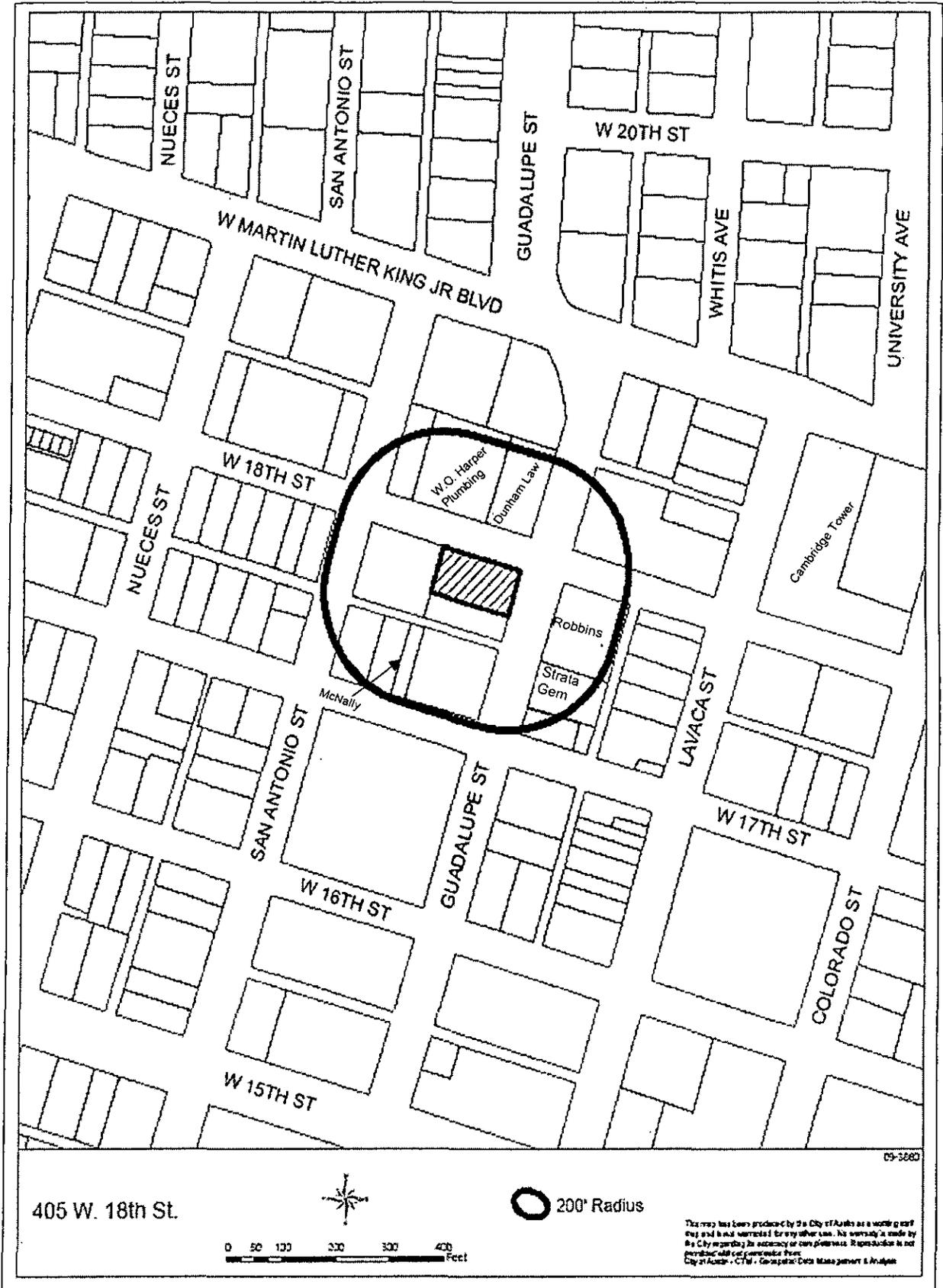
RE: "Travis House" Property at 405 West 18th Street (southwest corner of 18th and Guadalupe Streets); **Zoning Case No. C14h-2009-0016**

The undersigned is the owner of the property located at 408 West 17th Street in Austin (Tax Parcel ID Nos. 02100217090000 and 02100217100000). My property is located within 200 feet of the "Travis House" property. I am opposed to the rezoning of the Travis House property to designate it as historic.

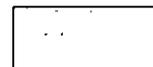
Signed this 12 day of October, 2009.



Stephen McNally



**Opposition to historic zoning
(including opposition by company affiliated with owner)**



PROTEST PETITION

TO: Austin City Council

RE: "Travis House" Property at 405 West 18th Street (southwest corner of 18th and Guadalupe Streets); Zoning Case No. C14h-2009-0016

The undersigned is the owner of the following property in Austin:

1. 1708 Guadalupe (Tax Parcel ID 02100217050000);
2. 407 West 17th Street (Tax Parcel ID 02100217140000);
3. 412 West 17th Street (Tax Parcel ID 02100217110000); and
4. 407 West 18th Street (Tax Parcel ID 02100217130000).

All of these parcels are located within 200 feet of the "Travis House" property. We are opposed to the rezoning of the Travis House property to designate it as historic.

Signed this 8TH day of October, 2009.

HEADINGTON ARMORY PARTNERS, L.P.,
a Texas limited partnership

By: Headington Realty & Capital LLC,
a Texas limited liability company,
its general partner

By: 
Name: John Ambler
Title: VICE PRESIDENT

PROTEST PETITION

TO: Honorable Austin City Council
City of Austin Planning Commission
City of Austin Historic Landmark Commission

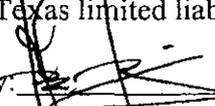
Travis Hotel Group LLC is the record owner of all of the following described property:

Part of Outlot 33, Division E, the Original City of Austin, Travis County, Texas, being the same property described by the Special Warranty Deed recorded at Document Number 2003134716 of the Official Public Records of Travis County, Texas, and known locally as 405 W. 18th Street, Austin, Texas 78701.

The undersigned owner of the said property hereby objects to and protests against the rezoning of the property to add an historic landmark combining district to all or any part of the property. This objection and protest is made pursuant to Texas Local Government Code Section 211.006(d), Austin Land Development Code Section 25-2-284(A)(2)(a), and Austin Land Development Code Section 25-2-355(C).

Signed this 27 day of July, 2009.

Travis Hotel Group LLC,
a Texas limited liability company

By: 

Name: MICHAEL TRESONINGS

Title: MANAGER